

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

Establishment of an Advisory Committee
to Negotiate Proposed Regulations for
Low-Earth Orbit Satellite Services
Operating Below 1 GHz

CC Docket No. 92-76

RECEIVED

MAY 28 1992

To: The Commission

Federal Communications Commission
Office of the Secretary

JOINT REPLY COMMENTS OF STARSYS, ORBCOMM AND VITA

STARSYS Global Positioning, Inc., Orbital Communications Corporation, and Volunteers in Technical Assistance, Inc. (collectively "the Applicants"), hereby reply to the comments filed in response to the Commission's recent proposal to establish an Advisory Committee to negotiate proposed technical rules appropriate to Non-Voice Non-Geostationary Satellite Services operating in low-Earth orbit ("LEO") in frequency bands below 1 GHz. See Public Notice, "FCC Asks for Comments Regarding the Establishment of an Advisory Committee to Negotiate Proposed Regulations," DA 92-443 (released April 16, 1992). In addition to the comments filed jointly by the Applicants, comments were filed by the Federal Aviation Administration and the National Oceanic and Atmospheric Administration, by two of the applicants who propose to establish LEO satellite systems for the provision of mobile voice and data services (along with radiodetermination satellite services) in the 1610-1626.5 MHz and 2483.5-2500 MHz bands, and by a former applicant for a small LEO satellite system whose application was recently dismissed by the Commission as untimely.

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As the Applicants explained in their jointly-filed initial comments, the Commission's proposal to resolve the regulatory issues facing the small LEO services through the new negotiated rulemaking procedures provided the Applicants with the impetus to attempt to resolve their differences. They reported that they had held a series of informal meetings that ultimately resulted in their arriving at a consensus on a series of technical and service rule proposals -- regulatory proposals that they proceeded to attach to their comments. See Joint Comments at 2-3, Attachment. On the basis of their proposed rule provisions, the Applicants asserted that it is no longer necessary or advisable for the Commission to establish an advisory committee whose mission would be to attempt to accomplish what they have already achieved. They urged the Commission instead expeditiously to issue a notice of proposed rule making that includes the text of the Applicants' proposed rules for the small LEO services. Id. at 5-6.

The five entities commenting on the April 16, 1992 Public Notice all appear to be sincere in their expressions of interest in participating on the small LEO advisory committee, and the Applicants are sure that most of them would make substantial constructive contributions to the development of proposed rules for the small LEO service if a committee were to be established. The fact remains, however, that the three key protagonists in this proceeding -- the Applicants -- have now reached agreement on the proposed service and technical rules.

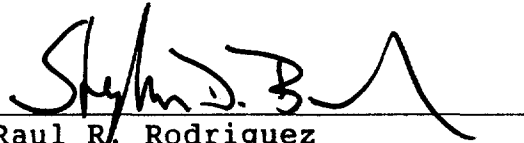
In essence, the Applicants have performed the function that would have been performed by the proposed advisory committee, and there is nothing left to be accomplished by the establishment of a committee that could not be accomplished by including the Applicants' regulatory proposals in a notice of proposed rule making that should promptly be placed out for public comment. Proceeding directly to the notice-of-proposed-rulemaking stage would not deprive the five commenters of their opportunity to make their specific concerns known, nor would the Applicants be forced to suffer the delay of six months or more that would inevitably ensue from the use of an advisory committee to develop regulatory proposals that would subsequently be circulated in a notice of proposed rule making. In light of the need for continued expedition, the Commission should not impose a now-redundant procedural requirement of a formal negotiated rule making.

CONCLUSION

In sum, the Applicants believe that their success to date in attempting to arrive at regulatory solutions for the small LEO services -- an event that none of the five putative advisory committee participants anticipated -- obviates the need for an advisory committee in this proceeding. Accordingly, the Applicants urge the Commission promptly to release a notice of proposed rule making based on the proposed rules presented in the Applicants' jointly-filed comments, and

determine that there is no current need for an advisory committee to accomplish what has already been accomplished by the Applicants themselves.

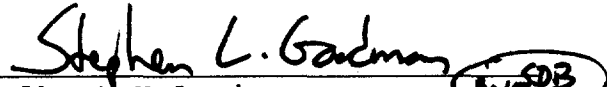
Respectfully submitted,



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May 28, 1992

CERTIFICATE OF SERVICE

I, Katharine K. Bryant, hereby certify that a copy of the foregoing "Joint Reply Comments of STARSYS, Orbcomm and VITA" was served by first-class mail, postage prepaid, this 28th day of May 1992, on the following persons:

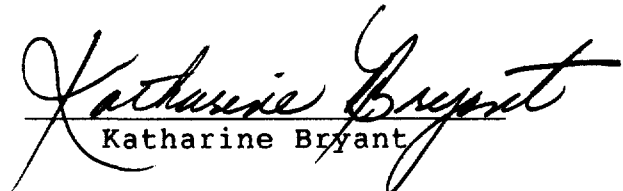
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